

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL DOCUMENT

SUMMARY: The applicant was discharged on 23 July 2014 in accordance with Air Force Instruction 36-3208, *Administrative Separation of Airmen*, with a General discharge for Drug Possession and Misconduct. The applicant appealed for an upgrade of his discharge characterization and a change to the discharge narrative reason.

The applicant was represented by counsel.

The applicant appeared and testified before the Discharge Review Board (DRB), with counsel, via video teleconference using Zoom on 11 July 2023. No witnesses were present to testify on the applicant's behalf.

The attached examiner's brief (provided to applicant only), extracted from available service records, contains pertinent data regarding the circumstances and character of the applicant's military service.

DISCUSSION: The Discharge Review Board (DRB), under its responsibility to examine the propriety and equity of an applicant's discharge, is authorized to change the characterization of service and the narrative reason for discharge if such changes are warranted. If applicable, the board can also change the applicant's reenlistment eligibility code. In reviewing discharges, the board presumes regularity in the conduct of governmental affairs unless there is substantial credible evidence to rebut the presumption, to include evidence submitted by the applicant. The Board completed a thorough review of the circumstances that led to the discharge and the discharge process to determine if the discharge met the pertinent standards of equity and propriety.

The applicant's record of service included multiple Letters of Reprimand. His misconduct included: failure to obey orders, failure to go, and wrongful possession of a controlled substance.

The documentary evidence the Board considered as part of the review includes, but is not limited to the DD form 293, *Application for the Review of Discharge from the Armed Forces of the United States*, and any additional documentation submitted by applicant and/or counsel; the applicant's personnel file from the Automated Records Management System (ARMS); and the DRB Brief detailing the applicant's service information and a summary of the case.

Through counsel, the applicant contended his discharge was inequitable. Counsel argued the applicant was arrested off-base for possession of two methamphetamine pills. The charges were later dropped for lack of evidence. The applicant claimed he did not know how or where the pills came from and that he often loaned his vehicle to other people to run errands. The applicant further contended both a urinalysis and blood test he took were negative for methamphetamines. He requested an upgrade and change to the narrative reason, on the basis of equity, claiming an otherwise honorable service record and positive post-service conduct.

A review of the applicant's record revealed while attending technical training the applicant was investigated for alleged marijuana use. Two Airmen reported that the applicant told them he had smoked marijuana; however, other Airmen who were with the applicant at the time of the alleged use were interviewed and they all stated they did not see him or know of him to have used marijuana. The applicant took a urinalysis test which came back negative for any controlled substances. Several months later, he was pulled over for a routine traffic stop and two crystal like pills were found in his car. The arresting officers field tested the pills, and they were positive for methamphetamine. The applicant was arrested and subsequently charged with felony drug possession. At the time of his arrest, the applicant claimed he did not know the drugs were in his car and claimed someone he loaned the car to must have put or left the drugs in the car. The applicant

took a urinalysis test which was negative for any controlled substances and later the civil authorities dropped the charges. The applicant also had other misconduct including failure to go and failure to obey orders on multiple occasions. Furthermore, the applicant was removed from his training course for misconduct.

After review of the applicant's testimony, the DRB determined that based on the applicant's multiple incidents of misconduct, the negative aspects of his service outweighed the positive contributions he made during his Air Force career and a General service characterization was warranted. In regards to the applicant's narrative reason, the DRB found there was merit in the applicant's testimony that he did not knowingly possess any controlled substances, therefore, the DRB found his narrative reason inequitable.

FINDING: The DRB voted unanimously to *approve* the applicant's request to change his discharge narrative reason to Secretarial Authority. The DRB voted unanimously to *deny* the applicant's request to upgrade his discharge characterization to Honorable. The DRB also voted unanimously to *deny* changing the reenlistment eligibility code.

Should the applicant wish to appeal this decision, the applicant must seek relief before the Air Force Board for Correction of Military Records (AFBCMR) in accordance with DAFI 36-2603, *Air Force Board for Correction of Military Records*.

CONCLUSION: After a thorough review of the available evidence, to include the Applicant's issues, summary of service, service/medical record entries, and discharge process, the Board found the discharge characterization and reentry code proper and equitable. Therefore, the awarded characterization of service and reentry code shall remain. The Board found the narrative reason for separation inequitable, therefore, it shall change to "Secretarial Authority. The Air Force DRB (AFDRB) results were approved by the board president on 18 July 2023. If desired, the applicant can request a list of the board members and their votes by writing to:

Air Force Review Boards Agency
Attn: Discharge Review Board
3351 Celmers Lane
Joint Base Andrews, NAF Washington, MD 20762-6602

Instructions on how to appeal an AFDRB decision can be found at <https://afrbaportal.azurewebsites.us>

Attachment:
Examiner's Brief (Applicant Only)